IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL REVISION NO.54 OF 1990

DATE OF DECISION: JULY 02, 2007

Jaswant Singh

.....Petitioner

VERSUS

The State of Punjab.

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. Jasdev Singh, Advocate,
for the petitioner.

Mr. M. C. Berry, Sr.DAG, Punjab,
for the State.

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RANJIT SINGH, J. (ORAL)

The petitioner has filed this revision, impugning his conviction for an offence under Section 9 of the Opium Act and the award of sentence of 2 years RI with a fine of Rs.500/-.

Stating briefly, the prosecution story is that on 21.11.1983, the petitioner was found in possession of 15 Kgs. of opium in the area of Village Joga Majra by SI Lashkar Singh. The recovery was effected on the personal search of the petitioner in the presence of Head Constable Swaranjit Singh and

Constable Harbhajan Singh. The petitioner was prosecuted, once he could not show any licence or permit for possessing this quantity of opium recovered from him. After trial, the petitioner was convicted on 17.8.1988 by Sub Divisional Judicial Magistrate, Malerkotla. The said order of conviction and award of sentence was impugned by the petitioner by filing appeal, which was also dismissed by the Additional Sessions Judge, Sangrur, on 12.1.1990. The petitioner impugned the same by way of present revision, which stands admitted since 31.1.1990.

Learned counsel for the petitioner submits that though he may be having arguable points in regard to the defective affidavits filed by the prosecution for completing the chain from the time of recovery till the time the recovered opium was sent for examination, yet he would only pray for leniency in the award of sentence due to pendency of the proceedings for such a prolonged period. It is noticed that the incident is dated 21.11.1983. The petitioner faced prosecution for five years when he was convicted on 17.8.1988. His appeal was decided in the year 1990 and since then the present revision of the petitioner is pending before this Court. The sentence awarded to the petitioner is suspended since 31.1.1990. It is, thus, seen that the petitioner has faced prolonged prosecution for over five years and thereafter his appeal was decided after two years. The present revision is pending for the last about 17 years. Requiring the petitioner to undergo sentence at this stage, may sound a bit unfair and unreasonable.

Considering these peculiar facts, the sentence awarded to the petitioner is reduced to the period already undergone. The bail

bonds, if any, furnished by the petitioner shall stand discharged. The petitioner would, however, deposit the fine, if not already paid. In case of default of payment of fine, the petitioner would undergo RI for three months.

Subject to above, the revision shall stand dismissed.

July 02,2007 **(RANJIT SINGH)**
khurmi **JUDGE**